

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,)
V.) NO. 3:09-CR-084-B
JACK HAMMOND CLAY)

UNOPPOSED MOTION TO WITHDRAW

Pursuant to Rule 57.12 of the Local Criminal Rules for the District Court for the Northern District of Texas, D. Mark Elliston, Movant, hereby moves to withdraw as counsel of record in the above entitled action. In support of such motion Movant sets for the following facts:

I.

Movant was appointed as counsel of record in this case by the Court on June 5, 2009.

II.

Movant believes that good cause exists to withdraw from the representation in this matter.

Without detailing the exact nature of the communications due to confidentiality issues, the relationship between Defendant and Movant has become such that Movant believes he cannot effectively represent Defendant.

WHEREFORE, Movant requests this Court to grant this Motion to Withdraw.

Respectfully submitted,


D. MARK ELLISTON
State Bar Card No. 06584500

1401 Elm Street, Suite 4585
Dallas, Texas 75202
(214) 752-0400
Fax No. (214) 752-0404

CERTIFICATE OF CONFERENCE

This is to certify that I discussed the foregoing Motion with Assistant U.S. Attorney, Amy Mitchell, and she is not opposed to the relief sought.


D. MARK ELLISTON

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2009, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the Assistant United States Attorney, Amy Mitchell.


D. MARK ELLISTON

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ORDER

ON THIS _____ day of _____, 2009, the Defendant's Unopposed Motion To Withdraw and having considered the same and hearing arguments of counsel, the Court is of the opinion that such Motion should be (GRANTED) (DENIED).

SIGNED AND ENTERED this _____ day of _____, 2009

UNITED STATES DISTRICT JUDGE

ORDER-SOLO